REMARKS

Claims 14 and 16 to 46 are now pending in the present application.

It is respectfully submitted that all of the presently pending claims 14 and 16 to 46 are allowable, and reconsideration is respectfully requested.

Applicants thank the Examiner for acknowledging the claim for foreign priority, and for indicating that all certified copies of the priority documents have been received from the International Bureau.

Claims 14 to 26 were rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 5,388,896 ("Hartmann") in view of U.S. Patent No. 6,030,055 ("Schubert").

To reject a claim under 35 U.S.C. § 103(a), the Office bears the initial burden of presenting a *prima facie* case of obviousness. *In re Rijckaert*, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). To establish *prima facie* obviousness, three criteria must be satisfied. First, there must be some suggestion or motivation to modify or combine reference teachings. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988). This teaching or suggestion to make the claimed combination must be found in the prior art and not based on the application disclosure. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991).

Also, as clearly indicated by the Supreme Court in *KSR*, it is "important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the [prior art] elements" in the manner claimed. *See KSR Int'l Co. v. Teleflex, Inc.*, 127 S. Ct. 1727 (2007). In this regard, the Supreme Court further noted that "rejections on obviousness cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." *Id.*, at 1396. Second, there must be a reasonable expectation of success. *In re Merck & Co., Inc.*, 800 F.2d 1091, 231 U.S.P.Q. 375 (Fed. Cir. 1986). Third, the prior art reference(s) must teach or suggest all of the claim features. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974).

While the obviousness rejection of claim 14 may not be agreed with, to facilitate matters, claim 14 has been rewritten to better clarify its subject matter.

Claim 14, as presented, includes the feature of ***determining a desired second pressure differential of the hydraulic pressure differentials dropping at the second intake valve from***

***a first pressure differential of the hydraulic pressure differentials dropping at the first intake valve**; determining, from the desired second pressure differential, a coil current for generating the desired second pressure differential; and using the determined coil current to generate the desired second pressure differential.*

As explained below, the "Hartmann" reference does not disclose nor suggest the features of ***determining a desired second pressure differential of the hydraulic pressure differentials dropping at the second intake valve from a first pressure differential of the hydraulic pressure differentials dropping at the first intake valve***. The "Schubert" reference also does not, and is not asserted to, disclose nor suggest these claim features.

Further, even assuming that the "Schubert" reference shows determining current from a differential pressure and vice versa (which is not agreed with), the "Schubert" reference still does not help render obvious the presently claimed features of claim 14. This is because neither the "Hartmann" reference nor the "Schubert" reference disclose or suggest the feature of ***determining a desired second pressure***, as provided for in the context of the presently claimed subject matter. The correlation between pressure difference and activation current referred to by the "Schubert" reference does not render obvious the subject matter of claim 14. The "Hartmann" reference would have to first disclose *determining a desired pressure* (which it does not) before the "Schubert" reference could possibly be used to correlate the desired pressure difference to an activation current. Accordingly, the combined teachings of the "Hartmann" and "Schubert" reference do not render obvious claim 14.

The "Hartmann" reference does not disclose nor suggest the feature of ***determining a desired second pressure differential of the hydraulic pressure differentials dropping at the second intake valve from a first pressure differential of the hydraulic pressure differentials dropping at the first intake valve***. The Office Action conclusorily asserts that the "Schubert" reference renders obvious the feature of employing a differential pressure (which assertion is not agreed with). Regardless of the accuracy of this assertion, however, the "Hartmann" reference does not disclose nor suggest the feature of ***determining a desired second pressure value from a first pressure value.***

Even if the "Hartmann" reference may refer to measuring what the pressure values on two wheels <u>are</u> in that system, the "Hartmann" reference does not disclose nor suggest the feature of ***determining a <u>desired</u> pressure value for a second wheel from a measured pressure value for a first wheel***, as provided for in the context of the presently claimed subject matter. Further, even if the "Hartmann" reference may refer to a threshold pressure

differential between two wheels, the "Hartmann" reference does not disclose nor suggest ***determining a desired pressure value for one wheel from a pressure value for another wheel.*** The "Hartmann" reference (col. 4, lines 40-54) states that:

> This block 1 formulates the braking-pressure differentials $\Delta p_v = p1 - p2$ and $\Delta p_H = p3 - p4$ of the wheels of the two axles and feeds corresponding signals together with (plus or minus) signs to the comparators 2 and 3. Maximum permissible braking-pressure differentials, which are formulated in a block 4 with the help of the transversal-acceleration and vehicle-speed variables in accordance with the relations clarified above, are also fed to these comparators 2 and 3. If the absolute value of the differential value Δp_v or Δp_H exceeds the comparison value Δp_{sv} or Δp_{SH}, then, depending upon the sign of Δp_v or Δp_H, one of the valves 5a or 5b or 6a or 6b allocated to the wheels 50 is triggered to prevent a further build up of pressure on the corresponding wheel having the higher pressure.

Specifically, the "Hartmann" reference merely refers to measuring a pressure differential between two wheels and comparing that differential to a maximum permissible differential. If the measured differential exceeds the maximum differential, then a valve is triggered to prevent a further build up of pressure.

Accordingly, for at least the foregoing reasons, claim 14, as presented, is allowable, as are its dependent claims 16 to 23 and 41 to 46.

Claim 24, as presented, includes features like those of claim 14, as presented, and is therefore allowable for essentially the same reasons as claim 14, as are its dependent claims 25 to 40.

In summary, all of claims 14 and 16 to 46 are allowable.

CONCLUSION

In view of the foregoing, it is respectfully submitted that all pending claims 14 and 16 to 46 are in condition for allowance. It is therefore respectfully requested that the rejections and objections be withdrawn. Since all issues raised by the Examiner have been addressed, an early and favorable action on the merits is respectfully requested.

Respectfully submitted,
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